



For Immediate Release  
September 5, 2023

## TAHC Commissioners Adopt Rule Amendments

### Chapter 40, Chronic Wasting Disease

AUSTIN, TX – The Texas Animal Health Commission (TAHC) held a regularly scheduled Commission meeting July 11, 2023, at its headquarters in Austin. The following rule amendments and repeal and replacement were adopted and go into effect September 5, 2023.

#### **Chapter 40, Chronic Wasting Disease**

The adopted amendments add new and amend and remove outdated definitions to help align the rules with federal standards regarding management of CWD. Additionally, readability improvements and clarification of movement restrictions, reporting CWD-suspect and CWD susceptible species mortalities, CWD-exposed animal and CWD-trace herd protocols, and the disposal of CWD-suspect animal(s) and CWD-exposed animal carcasses processes are adopted.

The definition of Eligible Mortality is updated and muntjac (*Muntiacus*) is added to the definition of Exotic CWD Susceptible Species. Specification that all eligible mortalities be tested for CWD within seven days using an official CWD test are adopted. The amendments also remove the limit to test only three animals a year, removes unnecessary additional language, and adds information on where to report annual inventories.

Clarification on where test results and lab reports may be submitted and a change requiring test results and reports be submitted within 14 days are intended to increase surveillance in designated containment and surveillance zones and align the requirements with federal standards for CWD testing. These amendments also update the geographic depiction to align with amendments which went into effect May 17, 2023, and add geographic depictions to the sections as attached graphics for each of the movement restriction zones.

#### **Chapter 40, Chronic Wasting Disease, §40.3 Repeal and Replacement**

Due to the extensive reorganization of §40.3, concerning the CWD Herd Certification Program, the repeal of the entire section and replacement with a new section is adopted to make the required changes. The new section attempts to align the TAHC's CWD Herd Certification Program with federal standards, provide clear guidance to participants, and improve the administration of the program.

The newly adopted section defines terms used to provide clarity to the program requirements, specifies the program enrollment process, lists all the prerequisites for enrollment, and includes all the steps a herd owner must take to have a herd enrolled in the program. Additionally, program requirements are specified by explicitly listing the requirements for participation under a single subsection. While these



program requirements existed in the previous rule, they were contained under multiple sections. Some substantive changes to eliminate ambiguity, improve the administration of the program, and align program requirements with federal standards are included. Furthermore, the new section modifies the former rule by specifying what reporting is required and the methods by which information is reported.

Amendments to the original rule are adopted to clarify what defines a testing sample and specifies how the postmortem tissue samples must be prepared and collected. The rule does not change the requirement that samples be submitted within seven days, the requirement to report test results, or recordkeeping requirements from the previous rule. The amendment provides additional information regarding what will be considered missed or poor-quality samples, provides guidelines for replacement testing, and adds the requirement that herd owners with white-tailed deer and mule deer utilize Texas Wildlife Information Management Services (TWIMS).

The adopted changes specify and mandate that the annual inspection occur during the annual inspection window. The modification allows for participants to request an adjustment to their inspection window to help meet the needs of their herd. To align with federal standards and ensure inventories are annually reconciled, a requirement for visual verification of one identification on every animal in the herd is added. Based on public comments, TAHC staff observations, and consultation with the United States Department of Agriculture (USDA), amendments regarding complete physical herd inventories add additional flexibility for participants to complete a physical herd inventory.

Restructuring of the herd status advancements and herd certification standards are amended to mirror the federal regulations and follow the year-for-year advancement in the federal standards. Additional amendments follow the previous rule for new animals acquired from a herd from a lower status, but differ from the previous version by specifying that the herd must be held in the lower status for at least 12 months and can only advance status at the next anniversary of the enrollment date.

A newly added section explicitly addresses situations where CWD is detected or suspected in an enrolled herd. The last subsection makes minor changes to clarify the actions affecting enrollment and the administrative appeal process. This rule specifies the process that a participant may challenge an action that affects herd enrollment.

All rules are available in the Texas Administrative Code under Title 4, Part 2, Chapter 40. The Texas Administrative Code can be accessed through the [TAHC website](http://www.tahc.texas.gov).

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*The Texas Animal Health Commission (TAHC) was established in 1893 as the Livestock Sanitary Commission and charged with protecting the state's domestic animals "from all contagious or infectious diseases of a malignant character." TAHC remains true to this charge while evolving with the times to protect the health and marketability of all Texas livestock and poultry. Learn more about the TAHC by visiting [www.tahc.texas.gov](http://www.tahc.texas.gov).*